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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,773	07/29/2000	Dr. Catherine Lin Hendel Ph.D.		3830

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EXAMINER
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HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/628,773

Applicant(s)

HENDEL PH.D., DR. CATHERINE  
LIN

Examiner

Naeem Haq

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-24, and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the Applicant's amendment filed on May 4, 2004. Claims 9 and 25 have been cancelled, and claim 26 has been added. Claims 1-8, 10-24, and 26 are pending and will be considered for examination. Applicant's amendment to claim 11 is sufficient to overcome the Examiner's objection. The objection to claim 11 is hereby withdrawn. Applicant's amendment to the claims is sufficient to overcome the Examiner's rejection of claims 1-8 and 10-25 under 35 U.S.C. 101. The rejection under 35 U.S.C. 101 is hereby withdrawn.

### ***Final Rejection***

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-4, 6, 8, 10, 11, 15-18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471).**

Referring to claims 1-4, 6, 8, 10, 11, and 26, Fisher teaches a system and method for an interactive, computer-assisted online auction using a computer with a display, comprising:

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- means for personalized auction monitoring of those objects selected by a bidder (column 6, lines 4-13, lines 46-67; column 8, lines 15-29);
- means for submitting a bid online for any one of the monitored objects (column 6, lines 21-38; column 7, lines 42-49; Figure 3);
- wherein bid submitting means includes detailed information about a respective monitored object (Figure 2);
- wherein the personalized auction monitoring means is periodically and automatically updated with new status information (column 6, lines 46-67; column 8, lines 15-29);
- means for displaying the monitored objects (Figure 1, item "280");
- wherein the personalized auction monitoring means for each selected object includes a textual description of the object and information regarding the status of the auction for the object as well as a bid submission box for the object (Figure 2; column 6, lines 46-67; column 8, lines 15-29).

Fisher does not teach that the display means displays at least one graphical array, each one graphical array including a plurality of objects from a category, wherein each object is individually selectable. However, Fisher does teach that a bidder must select an item from a catalog presented to the bidder over a computer network (column 6, line 14 – column 7, line 41). Moreover, Hill teaches a method and apparatus for presenting objects in a virtual catalog (i.e. an electronic catalog) wherein the objects are displayed in a graphical array on a display means with the graphical array containing a plurality of

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still images of objects from a category, and wherein the graphical array can be scrolled bi-directionally to bring within view those objects previously not within view of the display (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Fisher and Hill do not explicitly teach a plurality of graphical arrays. However, Hill teaches that one feature of his invention is "...the ability to select individual product items as they are displayed in images boxes and to move the selected product items to a separate review screen. This permits the customer to browse through multiple categories of items and move selected product items to a separate review screen for later inspection and side-by-side comparison..." (column 2, lines 24-30). In other words, Hill teaches that a user can browse through several categories of products and select a subset of products for side-by-side comparison. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a plurality of graphical arrays in the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a use to view a plurality of categories of products for selection and comparison. Fisher does not teach means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display. However, Hill teaches this limitation (column 2, lines 7-14; column 6, lines 57-59; column 7, lines 33-34; Figure 9,

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item "110"). The Examiner notes that the Applicant's specification teaches that the means for commanding cycling is a scroll button (page 14, lines 10-12). Therefore, Hill teaches an equivalent structure since Hill teaches that a user can scroll through a graphical array using a mouse input device. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Finally, Fisher teaches a means for selecting one or more objects for monitoring (Figure 1, item "260"). Fisher does not teach that the objects are selected from at least one graphical array. However, Hill teaches selecting objects from a graphical array (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system with a convenient way of viewing and selecting a plurality of products, as taught by Hill.

Referring to claims 15 and 16, Hill teaches that the system includes controls enabling the user to control the speed and direction of scrolling of the graphical array (Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to give the user greater control over which images were presented to the user.

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Referring to claims 17 and 18, Hill teaches that the graphical array scrolls vertically on the display (Figure 9, item "108" and "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to present the images of products in an aesthetically pleasing manner. Hill does not explicitly disclose that the graphical array scrolls horizontally on the display. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to reconfigure the product image window of Hill so that it scrolled horizontally. Applicant has not disclosed that the horizontal scrolling provides an advantage, is used for a particular purpose or solves a stated problem. Furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with a vertical scrolling because the difference between vertical and horizontal scrolling is in presentation alone and does not affect the system. Therefore, it would have been obvious to one of ordinary skill in this art to modify the vertical scrolling of Hill to obtain the invention as specified in the claims and to incorporate it into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to present the images of products in an aesthetically pleasing manner.

**Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Official Notice.**

Referring to claims 20-22, Fisher and Hill do not teach a visual or audible cue to alert the viewer of an occurrence wherein the occurrence is that a predetermined amount of time remains to submit a bid before the auction terminates. However, Official Notice is taken that it is old and well known in the art to use visual and audible cues. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate various cues into the system and method of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to provide various forms of alerts to an event, as is well known in the art.

**Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) and further in view of Anderson (US Patent 6,538,698 B1).**

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach sorting the graphical arrays and objects according to different criteria. However, Anderson teaches a system for sorting images according to different criteria (column 5, line 6 – column 8, line 21). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to ease browsing access by providing a more efficient way of locating of an image or a group of images, as taught by Anderson.

**Claims 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent**



**5,970,471) as applied to claim 1 above, and further in view of Godin et al. (US Patent 5,890,138).**

Referring to claims 12, 13, and 19, Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach a second graphical array that displays objects to be auctioned at a future time. However, as already noted above, Hill renders obvious the use of a plurality of graphical arrays. Furthermore, Godin teaches a computer auction system that allows users to view product categories and products which are to be auctioned in the future and have a timestamp indicating the time at which the objects will be available (column 3, lines 41-53). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the system and method of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to generate interest in particular products, as taught by Godin.

Referring to claim 14, Hill teaches that the system includes controls enabling a user to start and stop scrolling of a plurality of arrays (Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view all of the products that did not fit on the display screen.

**Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Burke (US Patent 6,026,377).**

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Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach rotating three-dimensional objects on the display for three-dimensional viewing. However, Burke teaches rotating a three-dimensional object on a display for three-dimensional viewing (Figures 9, 10, and 11). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view a different side of a selected product, as taught by Burke (column 10, lines 22-44).

**Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Hanson et al (US Patent 5,974,398)**

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach a split screen for displaying broadcasts, narrow casts, and streaming video for viewing live auction events alongside three-dimensional objects. However, Hanson teaches a system that uses multimedia in an auction environment (column 8, lines 33-62). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hanson in the system of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to provide a user with advertisements of various products and services.

### ***Response to Arguments***

Since the Applicants have failed to seasonably challenge the Examiner's Official Notice presented in the previous Office Actions, the Examiner now interprets all Official Notices as admitted prior art. *Applicant must seasonably challenge well known statements and statements based on personal knowledge when they are made. In re Selmi, 156 F.2d 96, 70 USPQ 197 (CCPA 1946). If Applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d71, 60 USPQ 239 (CCPA 1943). Also see MPEP 2144.03.*

Applicant's arguments with respect to the 112, second paragraph rejection of claims 1, 11, 16, 22, 23, and 25 have been fully considered and are persuasive. The rejection is hereby withdrawn.

Applicant's arguments with respect to the prior art have been fully considered but they are not persuasive. The Applicant has argued that the prior art does not teach "means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display". The Examiner disagrees. The Applicant's specification discloses that the means for commanding cycling is a scroll button (page 14, lines 10-12). Hill teaches an equivalent structure since Hill teaches that a user can scroll through a graphical array using a mouse input device. The Applicant has also argued that the display of Hill is not used for auctioned items. This point is irrelevant because Fisher teaches an auction environment that uses an electronic catalogue. The Examiner notes that the secondary

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reference need not teach what has already been taught by the primary reference. Hill teaches an on-line catalogue used to present items. The combination of Fisher and Hill is well within the level of one of ordinary skill in the art. For this reason, the Examiner maintains the art rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Naeem Haq**, Patent Examiner  
Art Unit 3625

August 2, 2004



Jeffrey A. Smith  
Primary Examiner